

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KHALID AHMED STROUP,
Plaintiff,
v.
ALICIA HARTLEY,
Defendant.

No. 2:21-cv-1283-EFB P

ORDER

Khalid Ahmed Stroup is a county jail inmate proceeding without counsel. This action was opened when Mr. Stroup submitted to the court an unsigned statement regarding his dissatisfaction with his public defender. ECF No. 1.

Mr. Stroup has not properly commenced a civil action. A complaint is necessary for the commencement of a civil action. Fed. R. Civ. P. 3. A complaint must contain a short and plain statement of the plaintiff's claim, showing that he is entitled to relief. Fed. R. Civ. P. 8. It must also contain a caption including the names of all defendants. Fed. R. Civ. P. 10(a). Mr. Stroup may draft his claims on the form complaint used by this court.

In addition, a plaintiff must pay the \$402 filing fee required by 28 U.S.C. § 1914(a) or request leave to proceed in forma pauperis and submit the affidavit and trust account statement required by 28 U.S.C. § 1915(a). Section 1915(a)(2) requires "a prisoner seeking to bring a civil action without prepayment of fees or security therefor, in addition to filing the affidavit filed

1 under paragraph (1), shall submit a certified copy of the trust fund account statement (or
2 institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing
3 of the complaint . . . , obtained from the appropriate official of each prison at which the prisoner
4 is or was confined.” To proceed with a civil action, Mr. Stroup must either pay the filing fee or
5 comply with the requirements set forth in the in forma pauperis statute.

6 Until Mr. Stroup submits a complaint and either pays the filing fee or meets the
7 requirements of 28 U.S.C. § 1915(a), there simply is no case before the court.

8 Accordingly, it hereby is ORDERED that:

9 1. The Clerk of the Court shall send to Mr. Stroup the form complaint and application for
10 leave to proceed in forma pauperis used in this court;

11 2. Within 30 days from the date of service of this order, Mr. Stroup shall either pay the
12 \$402 filing fee or submit a complete application for leave to proceed in forma pauperis;

13 3. Within 30 days from the date of service of this order, Mr. Stroup shall submit a
14 complaint stating the nature of the action and his belief that he is entitled to redress; and

15 4. Failure to comply with this order may result in this case being closed.

16 DATED: August 2, 2021.

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18 EDMUND F. BRENNAN
19 UNITED STATES MAGISTRATE JUDGE
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